

CITY OF MUSKEGON  
**MUSKEGON HOUSING BOARD OF APPEALS**  
MEETING MINUTES  
October 3, 2014  
5:30 PM

Chairman G. Borgman called the meeting to order at 5:34 p.m.

ATTENDANCE: B. Turnquist, W. Krick, B. Arthur, E. Simmons, R. Mackie, G. Borgman

ABSENT: K. Kolberg, excused

STAFF: H. Mitchell; J. Lewis, Public Safety Director; K. Briggs, SAFEbuilt; D. Renkenberger

OTHERS: M. VanSlooten, 9450 Buchanan, Allendale; J. Damm, 933 Michigan Ave; P. Duncan, 309 E. Hackley Ave; B. Boltze, 3579 W. Webster Ave, Montague; L. Meyers 37 Center St. (Illinois) for J. Aguirre; M. Olejarczyk, 690 W. Southern Ave.

**MEETING MINUTES:**

A motion to approve the regular meeting minutes of September 4, 2014 was made by R. Mackie, supported by W. Krick and unanimously approved.

**Old Business:**

**EN142887 – 1713 7<sup>th</sup> – VanSlooten Tree Farms, 870 Jefferson St. #1, Muskegon, MI 49440.** At the time of the staff report there had been no new information. The 2012 & 2013 taxes are still delinquent. It does appear that the taxes being foreclosed on were paid by the foreclosure date.

M. VanSlooten explained the work he had done on the property. He stated that he had consulted with Westshore Services and Hughes Builders on the fire suppression system, but the biggest issue at this point was financing. He estimated that it would take \$40,000 to get the fire suppression system up-to-date. W. Krick was concerned about the amount of money it would take to get the building up to code, and the fact that taxes were delinquent. M. VanSlooten stated that, if he could get the business up and running, he expected to have enough revenue coming in; however, he did not know how long that would take, as the business was still going through the probate process.

A motion to declare the structure substandard, dangerous and a public nuisance was made by W. Krick and supported by E. Simmons, with discussion continuing on the motion. Mr. VanSlooten left the meeting once the motion was made.

B. Turnquist stated he believed that once the estate was settled, Mr. VanSlooten would do the necessary repairs on the building. He would like to try to work with people to fix up their properties instead of ending up with a vacant lot. W. Krick pointed out that, at the August meeting, the board had asked Mr. VanSlooten to meet with SAFEbuilt to set up a timeline for repairs and to obtain a cost estimate for repairs, but he had done neither of those things in the 60 days since that meeting. K. Briggs stated that he had not heard from Mr. VanSlooten. E. Simmons was concerned about the delinquent property taxes on the building. B. Arthur asked what staff's recommendation was. J.

Lewis had some concerns with how evasive Mr. VanSlooten had been in regards to whether or not the funding was available to pay the back taxes and to do the repairs. He stated that if the board recommended demolition of the building to the City Commission and Mr. VanSlooten wanted to keep the building, he would then have the opportunity to go to court to get superintending control. He would be required to place a cash bond, with repairs being completed according to a court order. K. Briggs stated that the board could either give Mr. VanSlooten another 30 days to come up with a plan like they had asked for at the August meeting; or they could move declare the building then it would be up to Mr. VanSlooten as to what he would want to do.

A vote was taken on the motion to declare, which was approved, with B. Turnquist voting nay.

### **Dangerous Building – New Cases:**

Since a representative was not present for some of the cases, J. Lewis requested that the board hear the cases for which people were present first.

**EN145295 – 318 W. Larch** – Joseph Damm, 900 Michigan Ave., Muskegon, MI 49441. A Notice & Order was issued on August 18, 2014. There had been no contact from the owner and no permits obtained at the time of the staff report. The 2012 and 2013 taxes are delinquent with the County Treasurer. A basic list of exterior defects was completed. The list also included a letter that stated they could contact SAFEbuilt to have a trades inspection done if they disagreed with the dangerous building designation.

J. Damm agreed that the house should be torn down and would like to do it himself. G. Borgman advised him to take out a demolition permit with SAFEbuilt and to keep in contact with that department. K. Briggs stated that the board could continue with the condemnation proceedings to keep the process moving ahead. That would still give Mr. Damm time to work on the demolition. J. Damm stated that he did not have a problem with that.

A motion to declare the structure substandard, dangerous and a public nuisance was made by R. Mackie, supported by E. Simmons and unanimously approved.

**EN145296 – 324 W. Larch** – James Duncan, 309 E Hackley Ave., Muskegon, MI 49444. A Notice & Order was issued on August 18, 2014. There had been no contact from the owner, James Duncan, and no permits issued at the time of this staff report. However, on September 23, Mr. Brian Boltze came in to the Planning Department to inquire about this, as he had found the HBA meeting notice posted on the home. The Notice & Order had been removed. Mr. Boltze explained to staff the ownership circumstances of this property. The County of Muskegon Assessing Department had changed the property ownership information to Mr. Duncan without the paperwork being recorded (this was a rent-to-own process with Assessing referring to this as an unrecorded land contract). Mr. Boltze stated that the ownership should not have been changed since it wasn't recorded with the Register of Deeds Office. He did go to Assessing to inquire about it, but didn't feel he was getting a good response. The notification letters sent to Mr. Boltze by the City had been returned due to the letters being sent with an incorrect first name. Staff did recommend that he have SAFEbuilt do an inspection and to attend the HBA meeting, but he stated that he had someone interested in purchasing the property to rehab it once he got Mr. Duncan's name off it. Staff still recommended that he attend the meeting to see if the HBA members would be willing to table the case, due to the mix-up with the notification letters and/or the possible sale of the home. The 2013 taxes are delinquent with the County Treasurer. A basic list of exterior defects was completed. The list also included a letter stating that the owner could contact SAFEbuilt to have a trades inspection done, if they disagreed with the dangerous building designation.

Pamela Duncan spoke on behalf of the owner, J. Duncan, who was her husband. She provided some background regarding ownership of the property, and discussed their plans for it. She stated that she had permits to start working on the doors and windows next week, and asked for an additional 30 days to complete the necessary work. They had been working on another house but that was now finished, so they had more time to devote to getting repairs done on this one. G. Borgman stated that he would like to have a trades inspection done to make sure it was feasible to save the structure. K. Briggs stated that if the board did table the case for 30 days, they would have to develop a list of deficits, costs to repair, and a clear timetable for completion. H. Mitchell stated that there was another person present who wished to speak. B. Boltze stated that he owned the property and had sold it to J. Duncan, who was behind on the payments. He was at the meeting to make sure he didn't lose his house. G. Borgman asked if the 2013 taxes were paid; they were not. B. Boltze stated that the Duncans were supposed to have paid those also, and he was considering pursuing a forfeiture of the land contract. J. Lewis stated that staff would keep track of the ownership issue and make sure that both parties were notified of any further proceedings.

A motion to grant the Duncan's request for a 30-day extension with the condition that they contact SAFEbuilt to have an interior inspection done, was made by B. Turnquist, supported by R. Mackie and unanimously approved. K. Briggs advised Ms. Duncan to stop in his office within the next couple of days to get something scheduled.

**EN145695 – 1328 Spring** – Jesus Aguirre, 2100 Teepee Ave, Carpentersville, IL 60110. The owner had worked on the removal of the tree that had fallen on the roof and placed a tarp over the hole in the roof. A permit was issued for roof repairs on September 12, 2014. A friend of the owner had come in to obtain the permit and spoke with staff regarding the Notice & Order that had been issued on August 29. Staff informed him that the list of defects did not cover everything, as staff did not have access to the interior of the home. He was advised to have the owner contact SAFEbuilt to request a trades inspection to see if there was more damage to the inside that would need to be repaired. The owner's friend had been informed that a Housing Board of Appeals hearing had been scheduled to declare the structure a dangerous building. It was stressed that a trades inspection needed to be done, and that working with SAFEbuilt prior to the meeting to come up with a reasonable timeline for repairs would be helpful. The 2013 taxes are delinquent with the County Treasurer. A basic list of exterior defects was completed. At the time of the staff report, a trades inspection had not been scheduled.

L. Meyers was present on behalf of the owner, who lived out of town. He stated that the owner had gotten a roof inspection done, and he would be putting on a new roof in two weeks. He stated that he would also like to replace the windows, and would try to get a loan to do more work in the spring. K. Briggs stated that, if an interior inspection had not been done yet, the owner needed to get one scheduled and come up with a plan for making the necessary repairs. L. Meyers stated that he had been inside the house and did not see much damage. G. Borgman asked about the delinquent taxes. L. Meyers stated he was just the builder, and was not aware of any of the financial matters. K. Briggs stated that the board could proceed with the dangerous building declaration or give the property owner another 30 days to get an inspection done and come up with a plan to do any repairs, including a financial plan to pay the back taxes. G. Borgman was concerned about possible structural damage. W. Krick suggested tabling the case for 30 days to allow an inspection to be done, and to get a plan formed. L. Meyers and K. Briggs both agreed that was acceptable.

A motion to table this case for 30 days to allow the property owner to have an interior inspection done and to come up with a plan to do the repairs, was made by W. Krick, supported by R. Mackie and unanimously approved.

J. Lewis stated that there was a large outstanding water bill in addition to the delinquent taxes. L. Meyers stated that there may have been a water leak. He was advised to have the owner contact Ken Grant from the City's Income Tax Department as soon as possible to get the water bill straightened out. K. Briggs asked if the dwelling was insured and if it was, to provide a copy of the insurance paperwork. L. Meyers stated that it was insured.

**EN145698 – 690 W. Southern (accessory structures only) – Marion Olejarczyk, 690 W. Southern Ave., Muskegon, MI 49441.** A Notice & Order for the accessory structures was issued on August 29, 2014. There had been no contact from the owner and no permits had been obtained at the time of this staff report. Once or if the accessory structures are removed, the owner would only be allowed to have one (1) accessory structure on the property, per the zoning ordinance. The owner can maintain what they currently have with the proper permits (if needed). The 2013 taxes are delinquent with the County Treasurer. A basic list of exterior defects was completed. The list also included a letter informing the owner that he could contact SAFEbuilt if he didn't agree with the dangerous building designation, and to schedule a trades inspection to be done.

M. Olejarczyk stated that he did not understand the proceedings. He stated that, regarding the outbuildings on his property, he preferred to keep the "natural" look, and he wanted to keep all the buildings currently there. G. Borgman asked him about the delinquent taxes. M. Olejarczyk stated that he always pays the taxes at the end of the year, so he had not done it yet. G. Borgman asked if he had met with anyone from SAFEbuilt. K. Briggs stated that he had met with Mr. Olejarczyk regarding a different issue with the house, but not the accessory structures, which were the subject of this case. G. Borgman asked if it would be helpful to give Mr. Olejarczyk 30 days to meet with SAFEbuilt and come up with a plan for the outbuildings. K. Briggs agreed to that.

A motion to table the case for 30 days to give the property owner time to meet with SAFEbuilt to come up with a plan to make repairs, was made by R. Mackie, supported by B. Arthur and unanimously approved. G. Borgman advised Mr. Olejarczyk to meet with K. Briggs to resolve the outbuilding issues.

**EN145222 – 310 W. Larch – Daniel Slowik, PO Box 103, Ravenna, MI 49451.** A Notice & Order was issued on August 18, 2014. There has been no contact from the owner and no permits obtained at the time of this staff report. The 2012 and 2013 property taxes are delinquent with the County Treasurer. A basic list of exterior defects was completed. The list also included a letter informing the owner that he could contact SAFEbuilt if he didn't agree with the dangerous building designation, and to arrange to have a trades inspection done.

The property owner was not present at the meeting. K. Briggs stated that he had been at the property today, and it was full of rubbish and in bad repair. He stated that the board needed to move forward with the demolition proceedings. H. Mitchell stated that the property owner was currently incarcerated, but he had received notification in the jail.

A motion to declare the structure substandard, dangerous and a public nuisance was made by W. Krick, supported by R. Mackie and unanimously approved. K. Briggs asked that the board require the lot to be cleaned up as well, and that was added to the motion, seconded, and approved.

**EN145296 – 1338 Arthur – Progressive Holding Co. LLC, 4900 Fruit Ridge, Grand Rapids, MI 49544.** Notice & Order was issued August 18, 2014. There has been no contact from the owner and no permits had been obtained at the time of this staff report. The 2012 and 2013 taxes are delinquent with the County Treasurer. A basic list of exterior defects was completed. The list also included a letter informing the owner that they could contact SAFEbuilt if they didn't agree with the

dangerous building designation, and to arrange to have a trades inspection done. On November 6, 2013 both Ken Murar (SAFEbuilt) and Major Metcalf (City of Muskegon Fire Marshall) had been to this property. Ken provided pictures of the interior, which were given to board members.

A representative for property owner was not present at the meeting. K. Briggs stated that he had had no contact with them either. He stated that the landlord had been avoiding him. They had done work without permits and had rented the place out without a Certificate of Compliance.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by W. Krick and unanimously approved.

**EN145301 – 1185 Kampenga – Progressive Holding Co. LLC, 4900 Fruit Ridge, Grand Rapids, MI 49544.** A Notice & Order was issued August 18, 2014. There has been no contact from the owner and no permits obtained at the time of this staff report. The 2012 and 2013 taxes are delinquent with the County Treasurer. A basic list of exterior defects was completed. The list also included a letter informing the owner that they could contact SAFEbuilt if they didn't agree with the dangerous building designation, and to arrange to have a trades inspection done.

B. Arthur asked if anyone lived in the house. H. Mitchell stated that no one did. K. Briggs stated that this property owner was the same as the previous case, and he was having the same problems of work being done without permits and the house being rented without a valid certificate.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by R. Mackie and unanimously approved.

**Other:**

J. Lewis discussed with board members the list of house board-ups and demolitions completed to date. He stated that a lot of work had been done, and updated the board on the progress of other homes on the list.

There being no further business, the meeting was adjourned at 6:42 p.m.